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June 29, 2020

**VIA ECF AND FACSIMILE (212-805-7949)**

The Honorable P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

The circumstance that this case is settled and closed does not alter the right of public access to judicial documents. This is particularly true because the documents were submitted in support of a request for judicial action upon which a judicial decision was rendered.

SO ORDERED.  
July 1, 2020.



P. Kevin Castel  
United States District Judge

**Re: Securities and Exchange Commission v. Telegram Group, Inc. and TON Issuer, Inc.,  
1:19-cv-09439-PKC**

Dear Judge Castel:

I write on behalf of non-parties Investor E and Investor Z regarding the impact of the Court's June 26, 2020 Final Judgment (the "Final Judgment") on the Court's June 17, 2020 Opinion and Order (the "Sealing Order").

On February 4, 2020, Investor E and Investor Z filed Motions to Seal (Dkts. 157-160 and 152-156) to protect certain documents and information from public disclosure containing their sensitive and proprietary information. In the Sealing Order, the Court approved sealing most but not all of the documents and information that Investor E and Investor Z sought to protect. See Dkt. 238. The Court ordered the parties to publicly file versions of the relevant documents by no later than Wednesday, July 1, 2020. See *id.*

Since the Court issued the Sealing Order, Defendants Telegram Group Inc. and TON Issuer Inc. consented to entry of the Final Judgment and waived any right to appeal the Final Judgment. See Dkt. 242. On June 26, 2020, the Court entered the Final Judgment and ordered the Clerk to terminate all motions and close the matter. See *id.* The Clerk obliged and the case is now closed.

Because the case is now closed, Investor E and Investor Z view the Court's Sealing Order as similarly closed and that this highly sensitive information need not be filed. We contacted the Securities and Exchange Commission (the "SEC") to confirm this understanding; however, the SEC responded that it still intends to publicly file those documents on July 1, 2020 in accordance with the Court's Sealing Order. Thus, Investor E and Investor Z seek prompt clarification from the Court regarding whether the parties must still comply with the Sealing Order given the case is now closed.

Respectfully submitted,

/s/ *Charles A. Brown*

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